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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:

☐ **DUPLICATE**

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.	6099/002
First Named Inventor	Herz
Examiner Name	Huynh, B.
Group / Art Unit	2773
Express Mail Label No.	EL184648925US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08 / 551,198,  
filed on 10/31/95, entitled SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (j))	34	-20* =	14	x \$ 18 =	\$ 252.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	2	-3** =	0	x \$ 78 =	\$ 0.00
MULTIPLE DEPENDENT CLAIMS (if applicable)(37 C.F.R. § 1.16(d))				+ \$ 0 =	\$ 0.00
				BASIC FEE (37 C.F.R. § 1.16)	760.00
				Total of above Calculations =	\$1,012.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					\$506.00
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	\$506.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.  
b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04 - 1697 :

- a. ☒ Fees required under 37 C.F.R. § 1.16.  
b. ☒ Fees required under 37 C.F.R. § 1.17.  
c. ☒ Fees required under 37 C.F.R. § 1.18.

8. ☒ A check in the amount of \$ 506.00 is enclosed.

9. ☐ Other: .....

**NOTE:**

The prior applications correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	James M. Graziano				
	Duft, Graziano & Forest, P.C.				
Address	1790 30th Street, Suite 140				
City	Boulder	State	Colorado	Zip Code	80301
Country	USA	Telephone	(303) 449-9497	Fax	(303) 449-0814

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	James M. Graziano
Signature	<i>James M. Graziano</i>
Registration No. (Attorney/Agent)	28,300
Date	8 January 1999

CPA 9  
PAU 2773

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Patent Application for Herz et al. Serial No.: 08/551,198 Filed: October 31, 1995 For: <b>SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION OF DESIRABLE OBJECTS</b>  Inventor(s): Herz et al.	Examiner: Huynh, B. Group Art Unit: 2773 Docket No.: 6099/002  <b>RECEIVED</b> JAN 20 1999 Group 2700
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**Certificate of Mailing under 37 CFR 1.10**

I hereby certify that this correspondence, along with any and all papers referred to as being attached or enclosed, are being deposited with the United States Postal Service with sufficient postage in an Express Mail envelope bearing label number: EL184648925US, addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

James M. Graziano

8 JAN 11 1999  
Date

Assistant Commissioner  
For Patents  
Washington, DC 20231

**TRANSMIT CPA AND EXTENSION REQUEST**

Dear Sir:

Responsive to the Final Office Action Mailed September 8, 1999 in the above referenced patent application, enclosed please find a One Month Extension Request and check no. 5647 for the small entity required fee of \$55.00. Please also find a Continued Prosecution Application Request Transmittal and check no. 5592 for the small entity required fee of \$506.00.

It is believed that no additional fees are due in this matter. However, if further fees are due, the Commissioner is authorized to charge deposit account no. 04-1697.

Respectfully submitted,  
DUFT, GRAZIANO & FOREST, P.C.

James M. Graziano, Reg. No. 28,300  
1790-30<sup>th</sup> Street, Suite 140  
Boulder, Colorado 80301-1018  
(303) 449-9497